

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

BILLY ASEMANI,

Petitioner

V.

DEPARTMENT OF HOMELAND SECURITY, : (Judge Kosik)
ET AL., :

Respondents

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

This habeas corpus action filed pursuant to 28 U.S.C. § 2241 was transferred to this court on September 23, 2004, by the United States District Court for the District of Columbia pursuant to an order issued by said court on August 18, 2004. It was discovered following the transfer of the matter, however, that an appeal had been previously filed and was pending before the United States Court of Appeals for the District of Columbia challenging the District Court of Columbia's order transferring the matter to this court. As such, on October 13, 2004, this court directed the Clerk of Court to administratively close the case in this court pending the disposition of the appeal by the District of Columbia Court of Appeals.

Presently pending is a motion filed by petitioner on November 1, 2004, wherein he requests this court to forward the documents which were transferred to this court by the District of Columbia Court to the District of Columbia Circuit Court (Doc. 4.) This motion will be denied

without prejudice for the following reasons. First, it appears that the documents transferred to this court by the District Court for the District of Columbia were in fact copies as opposed to original documents. Second, based upon the lengthy passage of time, it certainly appears that the District of Columbia Circuit Court must have the complete original file before it as the appeal was filed in said court prior to the time the documents in this case were received by this court, and also due to the fact that if the Circuit Court were in need of the documents, this court would have surely been contacted by this time. However, if the Circuit Court should for some reason need the documents transferred to this court, the Clerks Office can be contacted for said purposes.

ACCORDINGLY, THIS 2nd DAY OF AUGUST, 2005, IT IS HEREBY ORDERED THAT
petitioner's motion for return of filings to the Circuit Court (Doc. 4) is **denied without prejudice**.

s/Edwin M. Kosik

United States District Judge

EMK:lq